

Order

Michigan Supreme Court
Lansing, Michigan

September 23, 2020

Bridget M. McCormack,
Chief Justice

David F. Viviano,
Chief Justice Pro Tem

161525

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

In re SMITH, Minors.

SC: 161525
COA: 351095
Kalamazoo CC Family Division:
18-000053-NA

On order of the Court, the application for leave to appeal the April 30, 2020 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The respondent-appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether a child's chronic absence from school is, on its own, a sufficient basis for the trial court to assume jurisdiction on the ground of educational neglect as contemplated by MCL 712A.2(b)(2); (2) whether proving allegations of educational neglect requires demonstrating that the child has suffered harm, see MCL 712A.2(b)(1)(b), and, if so, what constitutes harm for these purposes; and (3) whether the trial court clearly erred when it exercised jurisdiction over the minor children solely on the basis of educational neglect pursuant to MCL 712A.2(b)(1). In addition to the brief, the respondent-appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The petitioner-appellee shall file a supplemental brief within 21 days of being served with the respondent-appellant's brief. The petitioner-appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the respondent-appellant. The lawyer-guardian ad litem for the minor children is invited to file a supplemental brief within 21 days of being served with the respondent-appellant's brief. A reply, if any, must be filed by the respondent-appellant within 14 days of being served with the petitioner-appellee's brief. The parties should not submit mere restatements of their application papers.

The Legal Services Association of Michigan and the Michigan State Planning Body for Legal Services are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0916

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 23, 2020

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk